

United States Court  
Honorable Frank D. Whitney  
401 W. Trade St.  
Charlotte, NC 28202

June 4, 2008

Dear Honorable Frank D. Whitney:

My name is George C. Stoutenburgh, Jr., docket number 3:05CR283-W.

It took me several months and \$5,000.00 to obtain a readable copy of the sentencing transcripts. In reading over the transcripts I would like to note the following.

During the sentencing the court made the following statements:

Court:

Page 40 / line 13-21 - exchange for benefits you received for entering into the Plea Agreement with the United States, you waive your right to contest your conviction and sentencing except for one, claims of ineffective assistance of counsel; two, prosecutorial misconduct; or three, some issue that arose today in the sentencing that's either explicitly inconsistent with your plea agreement, or that was so unanticipated or unusual that this Court were to certify for appeal to the Fourth Court.

I would like to respectfully, submit that the below statements show all 3 stipulations outlined in my sentencing are evident and should be considered.

I would like to submit that statements made by Mr. Ellis and Mr. Mott during the sentencing were untrue and misleading and had Mr. Snow familiarized himself better with the case could have provided a more effective defense.

The statements below are taken right out of the sentencing transcripts.

*Mr. Ellis*

*Page 12 Lines, 24-25 - However, NONE of the information that he provided to the officers investigating the case led to the:*

*Page 13 Lines, 1-6 - apprehension in the indictment of any of the other individuals. It simply verified what the FBI knew already.*

I question the motives for Mr. Ellis down playing the information I provided. Mr. Mott during the debriefing stated they knew the handles but none of their real names or locations. I PROVIDED THAT! My Lawyer should have brought clarity to the facts, but he did not.

*Mr. Mott*

*Page 17 lines 17-23 - When he came to plead guilty last year, I interviewed him in Mr. Snow's office for an hour or two. He provided some information he could recall. We were able to locate one individual in the Midwest who was ultimately interviewed but couldn't really provide any information at that point because he had been scared out of the warez scene at that time.*

First I'd like to point out Mr. Mott's statement "he could recall" is not only deceiving but incorrect. That statement indicates I answered his questions attempting to recall information. There is nothing further from the truth! I came to the debriefing well prepared. I provided Mr. Mott AND Mr. Snow with a CD of ALL the log files (hundreds) that I had, and print outs of ALL the people I knew to be involved, EVERYONE!! Mr. Snow at the time of the sentencing couldn't remember who was at the meeting and what

transpired. He should have gone over the case before court and called Mr. Ellis and Mr. Mott to the true level of my corporation and the information I provided, but he did not.

Mr. Mott's statement also completely contradicts Mr. Ellis's statement that nothing came from the information I provided. The fact is they did nothing with it! "as he got scared and left the scene". I do not understand that statement, so that individual got scared so there for he got a free pass? Or didn't they really care since they already had me and I was cooperating.

Mr. Snow did not inquire about what happened to the others I provided information on. Did they even bother to track them down? Or do anything with the information I provided? What happened to the truth the whole truth and nothing but the truth.

*Mr. Mott*

*Page 22 lines 22-24: The undercover agent downloaded material from that device in Colorado to the Western District of North Carolina.*

A few minutes later

*Court*

*Page 24 lines 10-11: So you went out - - or someone in the undercover operation went out and picked it up off -*

*Mr. Mott*

*Line 12-14: No, Sir. We found groups. Gave those groups access to the site and their members put the stuff on there.*

In one statement they went and downloaded the warez and then when asked a direct question Mr. Mott changed his story, Again this is something my Lawyer should have brought to the courts attention.

According to Mr. Mott they built a server, put it on the internet announced he needed pirated warez and they uploaded. Maybe they logged into one of the very private secure IRC channels of the 7 top level cracking groups and said up load your pirated wares here. Anyway you look at it, it not only makes no sense but contradicts his previous statement. Again, if my lawyer was up to speed, he should have asked questions.

From what I understand from Jim Belknap (The OWNER of the site in Colorado) it doesn't work that way at all. To my understanding you have to work your way into the groups and gain their trust. This is something that takes months or longer to achieve. In order to gain their trust you have to upload to the sites providing them either newly cracked software or software stolen right from the software developer or the movie companies themselves. And not one or two but dozens or more packages providing them the wares they are looking for and proving they have the contacts which again takes a long time.

*Mr. Mott*

*Page 24 / Lines 19 - When you logged in, you had to have a specific IP address.*

*Page 25 / Line 20 - I have Exhibit 1 and 2*

Looking over these exhibits I would like to note the following that my lawyer should have brought up and contested them from being entered into evidence.

1) The IP address of 63.167.144.17 is not nor has it ever been assigned to my company OR my home internet provider and therefore could not have been used by me.. This never should have been allowed into evidence.

2) There are many people using the same nic (handle or name) on the IRC, this also should have been contested by my lawyer since there is no evidence it was me.

*Court:*

*page 38 lines 2-4 - It is further ordered that the defendant be required to support all dependants from prison earnings while incarcerated as outlines in the Pre-sentence report.*

It seems there is some confusion as to our source of income and our ability to continue to make our monthly living expenses, moneys required for the kids to attend school etc. With out me working as stated in my first letter my family will not have the funds required to make the required monthly payments. I might have misunderstood what I have been reading on the internet about the pay scale of a prison worker. (see page 2 of original letter also included) From what I understand its pennies an hour.

There also seemed to be some concern and incorrect information about my original lawyer (my business attorney). Let me clear this up correctly as Mr. Ellis claimed not to have any knowledge of the problem and Mr. Snow, well I'm at a loss as to his response as he was well aware of the true nature and cause of the problem.

In the beginning Eric Klumb through my business lawyer attempted to force me to sign the original 2 plea agreement. I flat out refused the plea agreement for the simple reason I was not guilty of the charges in whole he wanted me to plea to. This seemed to upset Mr. Klumb to no end and over time gave every indication this case became personal as a result. There was never a problem between myself and my business attorney, it was Mr. Klumb not getting his way that caused the tension.

After being charged and refusing to sign the original plea agreement several more times I was offered a second plea agreement which I still didn't agree with but after consulting Ken Snow and others I was advised this was a boiler plat offer and it was not going to get better. I was assured by my lawyer (Ken Snow) with the offering of the 5k.1 there would be no jail time as long as I held up my end of the agreement. I have always believed in the justice system and that the law always sought out the truth. If I thought the DOJ and the FBI were simply using the 5k.1 as a ploy to get me to sign the agreement I would NOT have signed the plea agreement. During the sentencing it became evident that's just what they did.

As stated above after the plea agreement was entered I provided Mr. Mott with everything I had. Mr. Mott stated with everything I provided and the statements I made at the time of the warrant I would get the 5k.1. What happened?

#### *Court*

*Page 41 / lines 9-10 - The Court recommends you talk to Mr. Snow about these appeals rights*

For several months before sentencing I had to resort to contacting the Public Defenders office and request they contact him and request Mr. Snow call me back. I never talked to Mr. Snow again after we walked out the sentencing. After the sentencing I had the same problem, Mr. Snow never returned a single phone call!

Lastly, as stated by the court, I had the right to file an appeal with the Appeals Court. I don't know how that is supposed to work, but what happened to me leaves me at a complete loss. Someone (I was never able to find out who) assigned Carol Ann Bauer as my lawyer.

I received a letter informing me she had been assigned to my case. As requested I called her, we talked for maybe 5 minutes at which time I requested a copy of the sentencing transcripts so I would be able to get my facts correct. Over the coming months I left Mrs. Bauer no less then 50 phone messages on her voice mail (no one ever answered her phone). She never returned a single call EVER. I even requested that if she wouldn't correspond with me to please have her self removed from the case and have another lawyer assigned. That request went on deaf ears.

Then I get a letter from her with her findings and a statement that she had already filed a statement with the court on my behalf with out discussing it with me first. She also stated I had the right to submit a letter to the court myself. But by the time I received the information needed from her I had just days to not only attempt to read over a terrible copy of a copy of the transcripts but to get it in the mail in time.

Months later I received a letter stating my appeal was denied and I had a right to file with the US Court of Appeals. Mrs. Bauer requested to be removed form the case. I requested she stay on so I could get clarification and request a new lawyer. For unknown reasons my request was ignored and Mrs. Bauer was

dismissed leaving me with out a lawyer or the means to get any answers or information of how to proceed.

I thought a lawyer, whether a public defender or private attorney, was working for and with the person, obligated to consult and advise with their clients and to present the best case for that client. I had 2 public defenders and both didn't seem to be very interested in what transpired, my thoughts, and opinions and had little to no knowledge of what this case was even about. Nether took the time for what ever reason to get themselves up to speed on what the case was about or how things work on the internet and in the end I was left without a lawyer and no where to turn.

Your Honor, I have always had the utmost respect for the law and law enforcement officials. As a result, I cooperated fully and 100% with them from day one. I have freely admit and have never denied what I did in allowing the server to be located at my business, and for downloading movies from the site. Both actions were not only stupid but irresponsible. The shame I have cause my Family, the black eye I have put on a respectable and proud family name, the disappointment of my Wife, my folks, brother and Sisters and most of all my kids and for that I am eternally sorry and ashamed and something I'm going to have to live with for the rest of my life.


I have never been in trouble, nor have I ever had a record of any kind. I work very hard and long hours sometimes 7 days a week just to support my family in a very simple life style. My self and my family have suffered, close family members passing, Mental and physical problems, financial difficulties ending in a morally disturbing bankruptcy, currently being stuck in an adjustable mortgage which we can not qualify to get out of and the worry of 4 years of stress, anxiety attacks, sleepless nights and paranoia.

On top of everything else, six months ago one of my partners, "Chris Stone", was diagnosed with advanced Prostate Cancer to the extent that the Doctor had to remove the prostate and both glands. He is currently under going Radiation Treatment due to the fact that the doctor doesn't feel they were able to remove all the cancer. As it is, this has put an enormous strain on myself and Simon Powell, my other partner in the business. And with me not being there, the company is sure to fail.

Your Honor, I screwed up! I know that but please don't punish my family for my mistake. As I pointed out in my first letter, there are many other less severe sentences given to others involved in similar cases. As stated in the sentencing I am not a cracker, hacker or producing DVD's for sale. But if you read the statements posted on the internet by the DOJ about me I was a hardcore hacker, cracker and involved at the highest level which is simple not true. My reputation is permanently damaged as a result of their statements as well as its affect on my personal and business relationships.

I beg of you to reconsider my sentencing and allow me to stay with my family and continue to work to support them.

Thank you and God Bless



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